

REMARKS

Applicants' specification has been objected to under 35 USC § 132(a) for introducing new matter into the disclosure. The Examiner has indicated that "[t]he added material which is not supported by the original disclosure is as follows: 'fluid communication component' not part of a filter cartridge."

In applicants' previously-submitted Amendment mailed June 5, 2007, applicants amended the definition of "fluid communication component" to indicate that it is an element that is "not part of a filter cartridge". In making this amendment, applicants did not identify where support presently exists in the specification for this added language. Accordingly, the applicants now direct the Examiner's attention to Figures 1 and 2 of the specification and, in particular, to applicants' specification at page 5, lines 16 to page 6, line 23. In these two paragraphs, fluid communication components 30 and 32 are identified. These fluid communication components are shown as being parts that are attached to the face piece insert 16. The filter cartridge 18, is shown and described as being a separate part that becomes attached to the face piece insert 16 at each of the fluid communication components 30 and 32. In the paragraph that begins at line 25 of page 5, applicants specifically state that the intake "fluid communication component 30 has a bayonet structure 33 that enables a filter cartridge 18...to be attached to the face piece insert 16." Thus, it is clear that the fluid communication component 30 is not part of a filter cartridge. Accordingly, applicants respectfully request that the objection under 35 USC § 132(a) be withdrawn.

Claims 1-14, 13, 16-19, and 21-26 have been rejected as being anticipated by U.S. Patent 6,298,849 to Scholey et al. In maintaining this rejection, the Examiner indicates that "Figure 3 of the Scholey reference shows that the fluid communication component being secured to the supporting portion of the face piece insert." For ease of reference, applicants have reproduced Figure 3 of the Scholey patent below:

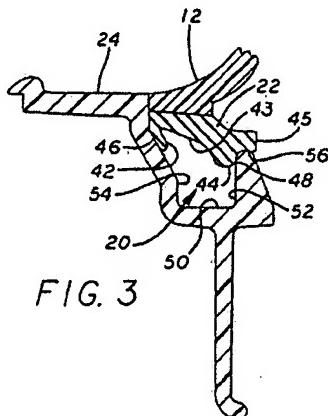


FIG. 3

This figure is described by Scholey as being "a cross-sectional view taken along lines 3-3 of Figure 1 and was one of the cartridge or cartridge assemblies in position within the cartridge opening." In Figure 3, a filter cartridge 24 is secured to the mask body 12 by having a rounded upper end 56 distort flange 44 upward so that the cartridge 24 can be snapped in position past the flange 44. Figure 3 thus describes a snap securement of the filter cartridge 24 to the mask body 12. This figure does not illustrate the securement of a fluid communication component to the supporting portion of a face piece insert. Figure 3 and the accompanying text also do not describe the step of providing at least one fluid communication component separately from the supporting portion of the face piece insert. Figure 3 only describes the securement of a filter cartridge to the rigid body portion 12 of the respiratory mask. As such, Scholey would not have anticipated applicants' invention under the terms of 35 USC § 102. Scholey also would not have made applicants invention obvious to a person of ordinary skill for these reasons.

Respectfully submitted,

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Date

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